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In re Application of  
KVERNSTUEN et al.  
Application No.: 09/857,679  
PCT No.: PCT/NO99/00366  
Int. Filing Date: 06 December 1999  
Priority Date: 10 December 1998  
Attorney Docket No.: 1935-00082  
For: DEVICE BY TOOLS FOR SETTING OF A  
PRODUCTION PACKER

: COMMUNICATION

This application is before the PCT Legal Office for consideration of matters arising under 35 U.S.C. 371.

On 06 December 1999, applicant filed international application No. PCT/NO99/00366, which claimed a priority date of 10 December 1998 and which designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 29 June 2000.

On 19 June 2000, a Demand was filed with the International Preliminary Examining Authority electing the United States. As a result the deadline for payment of the basic national fee was extended to expire in 30 months from the priority date, or on 10 June 2001.

On 07 June 2001, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 06 July 2001 a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath/declaration after the thirty month period was required.

On 04 September 2001, applicants filed a "Response to Notification of Missing Requirements under 35 U.S.C. 371" with an executed declaration and power of attorney. On 04 November 2002, applicants filed a status request, indicating that no correspondence from the USPTO have been received in this application.

On 30 October 2003, a Notification of Abandonment (FORM PCT/DO/EO/909) was inadvertently mailed to applicants.

**DISCUSSION**

A review of the application file reveals that all of the 35 U.S.C. 371 requirements were met upon submission of the executed declaration on 04 September 2001 and surcharge.

The Notification of Abandonment (FORM PCT/DO/EO/909) was erroneously issued on 30 October 2003 and will be vacated. The 35 U.S.C. 371(c) date is **04 September 2002**.

**CONCLUSION**

The Notification of Abandonment (FORM PCT/DO/EO/909) mailed 30 October 2003 is hereby **VACATED**.

This application is being forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **04 September 2002**.

  
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